

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

MATTHEW EARL JASON PEOPLES, )

Plaintiff, )

vs. )

NO. CIV-10-0429-HE

JIM BAUMAN, )

Defendant. )


**ORDER**

Plaintiff Matthew Earl Jason Peoples, a state prisoner appearing *pro se*, filed this case pursuant to 42 U.S.C. § 1983, alleging a violation of his constitutional rights. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Gary Purcell, who recommended that plaintiff's action be dismissed without prejudice. Objections to Judge Purcell's Report and Recommendation were due by July 19, 2010.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C); LCvR72.1(a). Accordingly, the court adopts Magistrate Judge Purcell's Report and Recommendation, and **DISMISSES** plaintiff's action without prejudice .

**IT IS SO ORDERED.**

Dated this 15th day of October, 2010.

  
\_\_\_\_\_  
JOE HEATON  
UNITED STATES DISTRICT JUDGE